IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.648 OF 2005

Shri Victor M. Fernandes & ors. .. Petitioners
v/s.
The State of Mah. & ors. .. Respondents

Mr.M.A.Khan i/by Mr.R.R.Kalekar for petitioners.

Mr.Pradeep Jadhav, AGP with R.M.Sawant, GP for res.Nos.1 to 3.

Mr.Anuj Narula for res.No.5.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATE : 4TH APRIL 2005

P.C. :

1. Heard the learned Counsel for the parties.

2. Respondent Nos.1, 2 and 3 have proceeded to acquire certain slum area by issuing a Notice dated 12th January 2005 under Section 14(1) of the Maharashtra Slum Areas ((Improvement, Clearance, and Redevelopment) Act, 1971 (for short, "the said Act"). Though this petition is filed by some 28 persons to challenge that notice, only one of them claims to be a lessee and the others claim to be the occupants.

3. Mr.Khan appearing for the petitioners tried to raise procedural objections that the notice condition precedent had not been given etc. From the record, we do not find that there is any such failure. Consequent upon acquisition, certain improvement activities are to be undertaken which are permissible under the said Act. There is no prejudice caused whatsoever to the petitioners who are unnecessarily trying to stall the project obviously for extraneous purposes. Petition is dismissed.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)